

# **OFFICE OF THE STATE PUBLIC DEFENDER**

**Draft Agency Strategic Plan  
with August 2014 Goals and Objectives**



## PURPOSE OF THE PLAN

- Defines the Mission of the Office of the State Public Defender (OPD)
- Identifies the services provided by OPD to clients
- Defines how OPD will provide these services via developing strategies
- Provides goals and objectives for all programs
- Provides an organizational structure to operate and manage the system

# AGENCY SUPERVISION AND PROGRAMS

- The agency is supervised by the Montana Public Defender Commission, 11 members nominated by various entities and appointed by the Governor
- Services are provided by three programs:
  - Program 1: Public Defender Program
  - Program 2: Appellate Defender Program
  - Program 3: Conflict Coordinator Program

The Chief Public Defender, Chief Appellate Defender, and Conflict Coordinator report directly to the Commission

# VISION STATEMENT

- Any person who is entitled to an attorney at public cost, will receive competent, vigorous representation
- The Commission has developed standards of legal practice
- The agency will maintain a meaningful training program

# AGENCY MISSION STATEMENT

- The mission of the Office of the State Public Defender is to provide effective assistance of counsel to indigent persons accused of crimes and other persons in civil cases who are entitled to the assistance of counsel at public expense.
- The constitutions of the United States and the State of Montana guarantee the right to counsel where fundamental liberty interests are at stake.
- In Montana, minors have the same right to counsel as adults.

# PUBLIC DEFENDER PROGRAM STRATEGIES

- The Public Defender Commission approved the following strategies for the Public Defender Program (Program 1)
  - Defined the boundaries of 11 regions to be managed by regional deputy public defenders
  - Directed that the program have a staffed office in all regions to provide services and oversight
  - The program may add or remove other offices as necessary to meet its mission
  - The program may serve its clients via a state hired workforce and/or contractors
  - The program includes a central office/centralized services group that services the Commission and all programs

# PUBLIC DEFENDER PROGRAM MISSION

The Public Defender Program provides defense services to individuals that qualify under Title 47 including:

- Persons determined to be indigent in criminal cases and parents or children involved in dependent/neglect cases
- Respondents in proceedings for involuntary commitment
- Persons who are the subject of a petition for the appointment of a guardian
- Youths in youth court

# GOALS AND OBJECTIVES – PROGRAM 1

(MORE DETAIL AND UPDATED GOALS AND OBJECTIVES ARE AT [PUBLICDEFENDER.MT.GOV](http://PUBLICDEFENDER.MT.GOV))

**GOAL 1:** Maintain and improve a statewide public defender system to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel at public expense.

**OBJECTIVE:** Monitor the existing public defender system to assure that it provides high quality services at a reasonable cost.

**GOAL 2:** Ensure that the system is free from undue political interference and conflicts of interest.

**OBJECTIVE:** Guarantee the integrity of the relationship between attorney and client. Take all necessary steps to ensure that the public defender system is not subject to unwarranted judicial supervision.

**GOAL 3:** Ensure that public defender services are delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state.

**OBJECTIVE:** Staff and support the agency's training function.

**OBJECTIVE:** Develop and monitor FTE evaluations and contractor proficiency determinations.

**GOAL 4:** Ensure that the system utilizes state employees, contracted services, or other methods of providing services in a manner that is responsive to and respective of regional and community needs and interests.

**OBJECTIVE:** Assure that the main focus of the agency is to provide the best client service. Assure that service is being provided by monitoring the performance of state employees and contracts with private attorneys.

**GOAL 5:** Advocate for adequate funding of the statewide public defender system.

**OBJECTIVE:** The agency will communicate information related to the caseloads and costs of the public defender system to the Commission, all branches of state government, and other interested parties.

**GOAL 6:** Ensure that clients of the statewide public defender system pay reasonable costs for services based on the clients' financial ability to pay.

**GOAL 7:** Advocate for parity in pay and resources with the prosecution.

**OBJECTIVE:** The agency will communicate information related to disparity in pay and resources with prosecutors to the Commission, all branches of state government, and other interested parties.

**GOAL 8:** Ensure uniformity and consistency in the administration of the statewide system and the case management program.



# APPELLATE DEFENDER PROGRAM STRATEGIES

- The Appellate Defender Program (Program 2) works with the Supreme Court and must be located in Helena
- The program may serve its clients via a state hired workforce and/or contractors

## APPELLATE DEFENDER PROGRAM MISSION

- The Appellate Defender Program provides appeal services to individuals that qualify under Title 47 including:
  - Persons in criminal cases
  - Parents or children involved in dependent/neglect cases
  - Respondents in proceedings for involuntary commitment
  - Persons who are the subject of a petition for the appointment of a guardian
  - Youths in youth court
  - Persons in postconviction cases
  - Persons in state habeas proceedings

# GOALS AND OBJECTIVES – PROGRAM 2

(MORE DETAIL AND UPDATED GOALS AND OBJECTIVES ARE AT [PUBLICDEFENDER.MT.GOV](http://PUBLICDEFENDER.MT.GOV))

**GOAL 1:** Maintain and improve a statewide appellate defender office (Office) to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel during the appeals process at public expense.

**OBJECTIVE:** Monitor the existing Office to assure that it provides high quality services at a reasonable cost.

**GOAL 2:** Ensure that the Office is free from undue political interference and conflicts of interest.

**OBJECTIVE:** Guarantee the integrity of the relationship between attorney and client. Take all necessary steps to ensure that the Office is not subject to unwarranted judicial supervision.

**GOAL 3:** Ensure that appellate defender services are delivered by qualified and competent counsel.

**OBJECTIVE:** Support the agency's training function.

**GOAL 4:** Ensure that the system utilizes state employees and contracted services to avoid conflicts of interest and to process appeals in a timely manner.

**OBJECTIVE:** Ensure that the main focus of the Office is to provide the best client service. Ensure that service is being provided by monitoring the performance of state employees and contracts with private attorneys.

**GOAL 5:** Advocate for adequate funding for the Office.

**OBJECTIVE:** The agency will communicate information related to the caseloads and costs of the Office to the Commission, all branches of state government, and other interested parties.

**GOAL 6:** Ensure that clients of the Office pay reasonable costs for services based on the clients' financial ability to pay.

**GOAL 7:** Advocate for parity in pay and resources with the Attorney General's office.

**OBJECTIVE:** The Office will communicate information related to disparity in pay and resources to the Commission, all branches of state government, and other interested parties.

**GOAL 8:** Ensure uniformity and consistency in the administration of the statewide appellate defender system and its case management program.

# CONFLICT PROGRAM STRATEGIES

- The Public Defender Commission approved the following strategies for the Conflict Program (Program 3)
  - Directed that the program take cases from Programs 1 and 2 that are determined by them to have a conflict after this is confirmed by Program 3.
  - Directed that the program have a staffed office Helena
  - The program may serve its clients via a state hired workforce and/or contractors
  - The organizational and accounting structure of the program mirrors that of Programs 1 and 2.

# CONFLICT PROGRAM MISSION

The Conflict Program provides defense services to individuals that qualify under Title 47 including:

- Persons determined to be indigent in criminal cases and parents or children involved in dependent/neglect cases
- Respondents in proceedings for involuntary commitment
- Persons who are the subject of a petition for the appointment of a guardian
- Youths in youth court

# GOALS AND OBJECTIVES – PROGRAM 3

(MORE DETAIL AND UPDATED GOALS AND OBJECTIVES ARE AT [PUBLICDEFENDER.MT.GOV](http://PUBLICDEFENDER.MT.GOV))

**GOAL 1:** Maintain and improve a statewide conflict office to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel at public expense, and for whom an ethical conflict of interest exists with the public defender program or the appellate defender program.

**OBJECTIVE:** Monitor the existing conflict office to assure that it provides high quality services at a reasonable cost.

**GOAL 2:** Ensure that the office is free from undue political interference and conflicts of interest.

**OBJECTIVE:** Guarantee the integrity of the relationship between attorney and client. Take all necessary steps to ensure that the conflict office is not subject to unwarranted judicial supervision.

**GOAL 3:** Ensure that conflict services are delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state.

**OBJECTIVE:** Support the agency's training function.

**OBJECTIVE:** Assist the contract manager with contractor proficiency determinations.

**GOAL 4:** Ensure that the office utilizes state employees, contracted services, or other methods of providing services in a manner that is responsive to and respective of regional and community needs and interests.

**OBJECTIVE:** Assure that the main focus of the office is to provide the best client service. Assure that service is being provided by monitoring the performance of state employees and contracts with private attorneys.

**GOAL 5:** Advocate for adequate funding of the statewide conflict office.

**OBJECTIVE:** The agency will communicate information related to the caseloads and costs of the conflict office to the Commission, all branches of state government, and other interested parties.

**GOAL 6:** Ensure that clients of the statewide public defender system pay reasonable costs for services based on the clients' financial ability to pay.

**GOAL 7:** Advocate for parity in pay and resources with the prosecution.

**OBJECTIVE:** The office will communicate information related to disparity in pay and resources with prosecutors to the Commission, all branches of state government, and other interested parties.

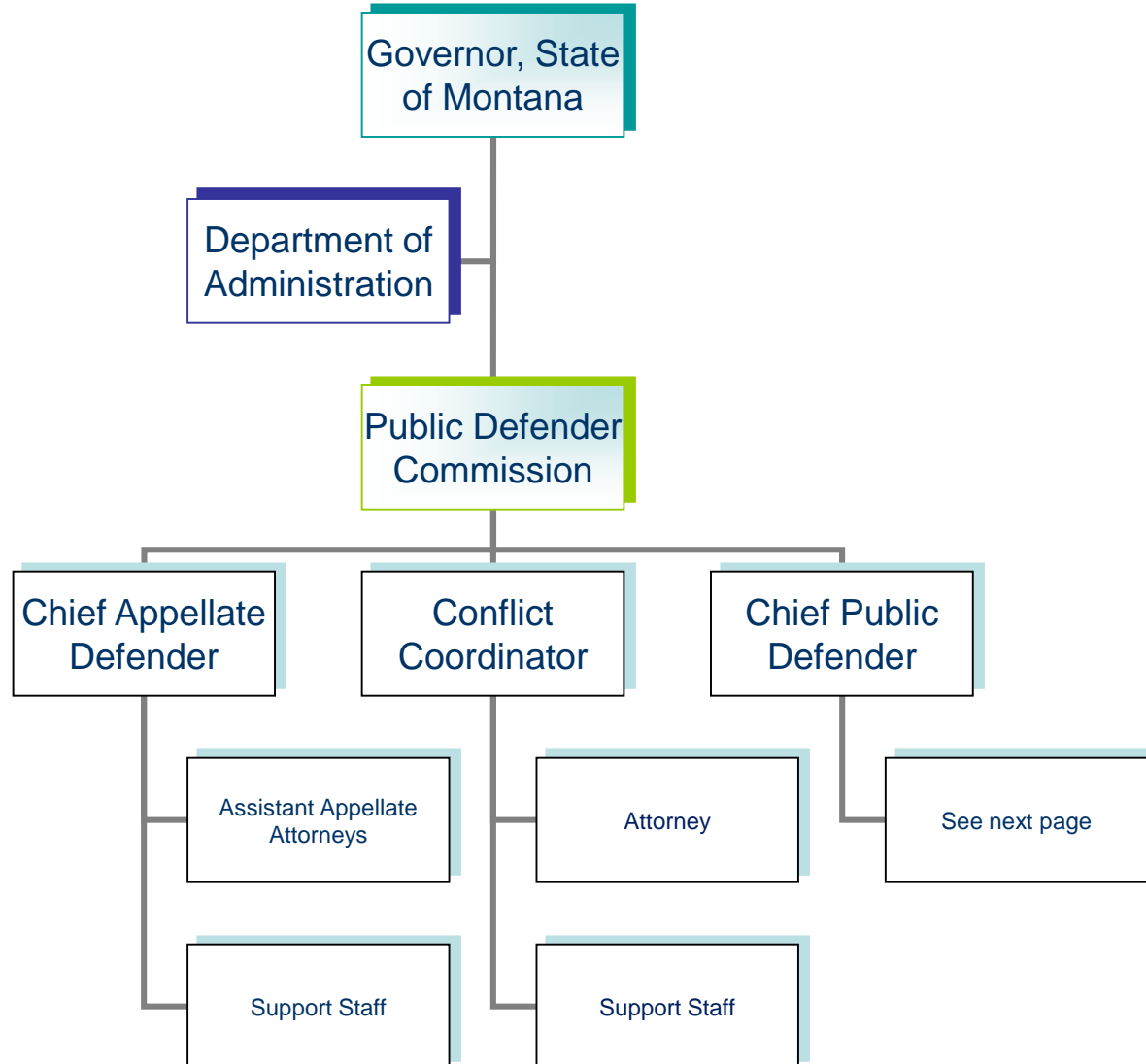
**GOAL 8:** Ensure uniformity and consistency in the administration of the statewide conflict office and the case management program.

# FUTURE STRATEGIES

The Strategic Planning Committee developed the following new strategies:

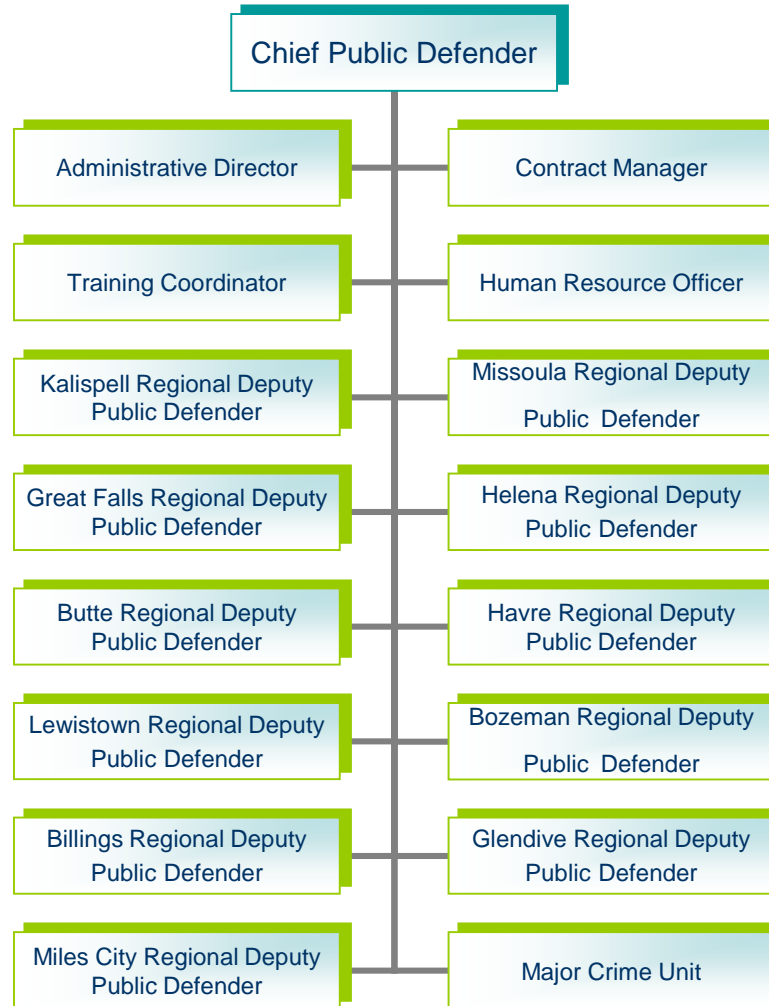
1. Plan for the establishment a civil unit. This strategy would seek to separate the civil and criminal practices so that each may focus on its specific type of cases. Develop an organizational structure that supports this separation. Develop a program or budget to provide separate resources.
2. Monitor attorney caseloads to ensure ethical representation of all persons entitled to assistance of counsel at public expense. Institute rules and procedures for establishing reasonable and ethical caseloads for public defenders, including procedures for refusing additional court appointments if necessary. Develop goals and objectives related to this strategy.

# ORGANIZATIONAL STRUCTURE





# ORGANIZATIONAL STRUCTURE (cont.)



## OTHER INFORMATION

The most current system maps and resource information can be found at:

<http://publicdefender.mt.gov/2014GovReport/AgencyStatistics.pdf>

The most current case counts can be found at:

<http://publicdefender.mt.gov/2014GovReport/CaseCounts.pdf>